IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.6548 of 2005

Dagaji Ajaba Patil Charitable Trust — Petitioner

Vs.

The State of Maharashtra & ors. — Respondents

Mr.Anilkumar Patil for petitioner.

Mr.P.P.Kakade, AGP for resp.nos.1 and 2.

Mr.Umesh Joshi for resp.no.3.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 06 , 2006.

P.C.

. We have heard Mr.Patil, the learned counsel for the petitioner - Trust as well as the learned AGP and the learned counsel for the respondent - Municipal Council. We have perused the affidavit-in-reply filed on behalf of the respondent nos.1 and 2 as well as the respondent no.3. It has been stated by the respondents that after receipt of the notice dated 21/10/2004 the Municipal Council has approached the Collector as per the Resolution passed

on 6/11/2004, with a request to acquire the subject land admeasuring 880 sq.yards and located in Satana town. It has been also clarified that the proposal for deletion or for alteration in the reservation as recommended by the Municipal Council has been rejected by the State Government.

. The officers of the respondent no.3 are present in the Court and the learned counsel for the said respondent, on taking instructions, states that the Municipal Council has the necessary funds to acquire the subject land. We, therefore, do not find any case for interference and it would be of course necessary that the Municipal Council is directed to deposit the amount within a specified time schedule so as to indicate its bona fides for acquisition of the land.

. Hence, we dispose off the petition by directing the respondent no.3 that on publication of the declaration under Section 6 of the Land Acquisition Act, 1894, the Municipal Council shall deposit an amount to be determined by the Collector, within a period of four weeks from such publication and the determination of the amount shall be decided

by the Collector as soon as the declaration under Section 6 is finalised. The Collector shall ensure that the notification under Section 4 of the Act will be issued within a period of two months from today.

. Writ to go to the parties concerned forthwith.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)